

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 10-13936

Angelique R. Greuling Meiu, A.K.A.
Angelique Greuling,

Honorable Sean F. Cox

Defendant.

ORDER
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This is a student loan case. Plaintiff the United States ("Plaintiff") filed this action against Defendant Angelique R. Greuling Meiu, A.K.A. Angelique R. Greuling ("Defendant") on October 4, 2010, seeking a judgment in the amount of \$4,570.00 for an unpaid student loan. The matter is currently before the Court on Plaintiff's Motion for Summary Judgment. The parties have briefed the issues and oral argument was heard by the Court on July 14, 2011. For the reasons below, the Court shall **DENY** the motion.

It is undisputed that Defendant entered into a guaranteed student loan in the amount of \$1,500 on or about September 23, 1981, while attending Central Michigan University ("CMU"). (See Certificate of Indebtedness and Def.'s Affidavit at ¶ 1).

Plaintiff filed this action on October 4, 2010 – approximately *30 years* after the loan was taken out.

Acting *pro se*, Defendant filed an Answer and asserted several affirmative defenses, including that Plaintiff's claim is barred by payment.

On March 16, 2011, Plaintiff filed a Motion for Summary Judgment. (Docket Entry No. 11).

Defendant filed a response in opposition to the motion on April 5, 2011. (Docket Entry No. 12). Defendant's Affidavit states that prior to and after attending CMU, she has not borrowed any other monies to attend college. (*Id.*). Defendant admits that her student loan went into default on or about December 1983. (Def.'s Br. at 2). Defendant states that in 1985, she received a notice that her tax refunds would be offset and applied to her student loan debt until the balance was paid in full. (Def.'s Affidavit at ¶ 2). Defendant claims that her student loan was fully paid. In support of her position, Defendant's Affidavit states:

3. For tax years 1985 and 1986, I filed a tax return wherein I was entitled to a tax refund for both years. The Internal Revenue Service (IRS) withheld and offset my tax refunds for 1985 and 1986 to apply to my student loan debt.
4. For the tax year, 1987, I filed a joint tax return with my spouse, wherein we were both entitled to a tax refund. The IRS offset our tax refund for 1987 and applied the refund to my student loan debt.
5. After the 1987 tax offset, a small balance remained that I paid in full to avoid any further tax offset.
6. For the tax year 1988, I filed a joint tax return with my spouse wherein we were entitled to tax refund. Our tax refund was issued by the IRS as my student loan debt was paid in full.
7. I have contacted the Federal Management Service (FMS) to obtain records of said offsets and was informed by the FMS they do not retain records prior to 1999.
8. I contacted the IRS and obtained Account Transcripts for the tax years 1985 through 1986. The IRS was unable to retrieve tax years 1985 or 1987, but was able to provide Account Transcripts for tax years 1986 and 1988. Documentation received by the IRS for tax years 1985 through 1988 is attached hereto.

(Def.'s Affidavit at ¶¶ 3-8). Defendant's husband also signed an Affidavit, indicating that he and his wife filed a joint tax return in 1987, and were entitled to a refund, but the IRS withheld the refund and applied it to his wife's student loan.

Construing the evidence presented in the light most favorable to the non-moving party, Defendant, the Court concludes that Defendant has raised a genuine issue of material fact as to whether she repaid the loan, either in full or in part.

Accordingly, IT IS ORDERED that Plaintiff's Motion for Summary Judgment is DENIED.

IT IS SO ORDERED.

Dated: July 18, 2011

S/ Sean F. Cox
U. S. District Court Judge

I hereby certify that on July 18, 2011, the foregoing document was served upon counsel of record by electronic means and upon Angelique R Greuling Meiu by First Class Mail at the address below:

Angelique R Greuling Meiu
1750 Graefield Road
Birmingham, MI 48009

Dated: July 18, 2011

S/ Jennifer Hernandez
Case Manager